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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/486,021	05/19/2000	HEINER BECKER	BECKER-5	2641

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EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 04/04/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/486,021

Applicant(s)  
BECKER

Examiner  
KUHNS

Group Art Unit  
1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE(3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on OCTOBER 29, 2002 AND JAN. 28, 2003

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1 AND 3-28 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 12-14 AND 27 is/are allowed.

☒ Claim(s) 1, 3-11, 15-26 AND 28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_ ☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other \_\_\_\_\_

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1. Claims 15 and 17-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 is indefinite because it is unclear as to what the terms "screw tip" and "nozzle tip" refer. For example, the term "screw tip" may be construed to refer to a primary extruder, but such is completely absent from the claim. With regard to claim 17, "the movement of the secondary extruder" lacks antecedent basis within the claim, and it is unclear whether "movement" merely refers to rotation of the screw within the barrel or whether the extruder moves in some other manner. Claims 23 and 25 are indefinite because the term or phrase "points to" is used, and it is unclear how this term or phrase serves to establish the metes and bounds of these claims. Clarification is required.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-11, 16 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beck et al. Beck et al. disclose the basic claimed injection molding process including injecting a first plasticized material into the hollow of an injection mold through an opening so as to contact only a partial area of a wall surface of the hollow and subsequently injecting a second plasticized material through the same opening into the hollow to contact at least a part of the remaining area of the wall surface of the hollow. Beck et al. appear not to state that the wall surfaces are wet by

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the plasticized material, but it is well known to use plasticized materials which wet the walls of mold cavities and such would have been obvious to one of ordinary skill in the art in order to form a molded product which adopts a shape according to the mold contours.

The first material of Beck et al. forms a shoulder in the hollow, as in claim 3. Beck et al. teach the use of gate 17, and it is submitted that this gate is capable of sliding to clear a channel, as in claims 4-6. A gas space exists in the mold of Beck et al. during at least a part of the process, as in claim 7. Beck et al. teach the use of different colors, as in claim 9, and that different pigmentation of the PET used by Beck et al. incrementally affects hardness, as in claim 8. Beck et al. illustrate a portion of the second material within a pocket of the first material, as in claim 8, and it is submitted that at least some gas pocketing, as in claim 10, is inherent in the process. Beck et al. illustrate an apparatus with at least two extruders and an injection piston or ram, as in claim 16, in Figure 1. Beck et al. teach or suggest an opening in a nozzle of an extruder operatively connected to an injection mold, as in claim 28.

4. Claims 12-14 and 27 are allowed.

5. Applicant's arguments filed October 29, 2002 have been fully considered but they are not persuasive. Applicant's arguments are considered to be moot by the examiner based on the revised grounds of rejection introduced in this Office action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (703) 308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (703) 308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Allen R. Kuhns*  
ALLAN R. KUHS  
PRIMARY EXAMINER AU 1732  
4-2-03